IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 14961 of 2000

Between:

Busi Srinivasu, S/o. late Malleswara Rao,

Aged about 22 years, R/o. Kummara Street,

Tekkali, Srikakulam District.

..... PETITIONER

And

The District Judge, Srikakulam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing Memo No.1065, dated 26.2.2000 rejecting the claim of the petitioner for compassionate appointment as illegal, arbitrary and violative of Article 14,16 and21 of the Constitution of India and further direct the respondent to issue compassionate appointment to the petitioner or in the alternative to pay ex-gratia as per G.O. Ms. No.59, General Administration (Ser-A) Department, dt. 5.2.1993 and pass such other order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.VIJAY KUMAR

Counsel for the Respondent: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

Petitioner, who, on 8.8.2000 was about 22 years of age, filed this petition seeking direction against the respondent for appointing him on compassionate grounds or in the alternative to pay ex-gratia as per G.O. Ms. No.59, General Administration (Ser-A) Department, dated 5.2.1993. Petitioner thus questioned the action of the respondent in issuing the Memo dated 26.2.2000 rejecting petitioner's claim for compassionate appointment. Petitioner's father who was working as Process Server at Munsif Magistrate Court, died on 2.2.1978 leaving behind his wife, two daughters and son. For the first time, petitioner's mother in the year 1993 submitted an application praying for compassionate appointment to her son (petitioner). She gave an application after 15 years after the death of her husband, but, no further orders were passed on the application. There were successive representations thereafter, which were not considered and the learned counsel for the petitioner filed the instant writ petition.

The purpose of providing compassionate appointment is to give immediate relief to the family. Such appointment cannot be sought as of right. Since the petitioner was minor, he could not have been appointed at that time. Petitioner's mother also did not seek employment immediately after the death of her husband, but laid a claim

after 15 years after the death of her husband. Petitioner, otherwise, also is not entitled for granting of relief under G.O. Ms. No. 59, issued in the year 1993, for claiming benefit with reference to the year 1978, when his father died.

The writ petition is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 25th August, 2004

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C.V.RAMULU,J

Pnb

To

1.The District Judge, Srikakulam District.

2. Two C.D. Copies